

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

United States of America,

NO. C 03-01920 JW
NO. CR 03-20010 RMW

Plaintiff,

v.

**ORDER REFERRING CASE FOR
RELATED CASE DETERMINATION**

Miscellaneous Firearms, Silencers and
Ammunition,

Defendant.

_____/

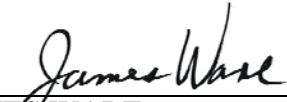
In this in rem civil action, Plaintiff seeks forfeiture of certain firearms, silencers and ammunition alleged to have been illegally possessed by Kevin Dugan. Dugan is a prospective claimant in this action, which is based, in large part, on the allegations in a criminal case pending before Judge Ronald M. Whyte. See United States v. Kevin Dugan, CR 03-20010 RMW.¹

This case has been stayed since May of 2003. Pursuant to Civil Local Rule 3-12(c), this action is hereby referred to Judge Whyte for a determination as to whether the actions are related.

¹ A jury verdict was returned on November 19, 2007. The jury found Dugan guilty on Counts 1s, 2s, 4s, and 5s, and not guilty on Count 3s. See CR 03-20010, Docket Item No. 210.

1 In light of this Order, the Case Management Conference presently scheduled for December
2 10, 2007 is VACATED.² The Court will set a new conference date once a determination is made by
3 Judge Whyte regarding whether this case should be transferred to him.

4
5 Dated: December 5, 2007



JAMES WARE
United States District Judge

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 ² The Court notes that the parties have once again failed to file a Joint Case Management
28 Conference statement in violation to the Court's previous Orders. (See Docket Item Nos. 45, 47.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Stephanie M. Hinds stephanie.hinds@usdoj.gov

3 Daniel B. Halpern
4 Law Offices of Halpern & Halpern
5 111 North Market Street, Suite 1010
6 San Jose, Ca 95113³

6 **Dated: December 5, 2007**

Richard W. Wieking, Clerk

7
8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 ³ The Court notes that Defendant's counsel has failed to registered for e-filing. Defendant's
28 counsel shall contact the Clerk's office to register for e-filing to be in compliance with the Civil
Local Rules of Court within ten (10) days from the date of this Order.